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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,394	07/30/2001	Gaurav Mittal	NC25896	9973
30973	7590	11/03/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/918,394	Applicant(s) MITTAL, GAURAV	
	Examiner Quochien B. Vuong	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-11, 14, 15 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7-11, 14, 15 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to Applicant's response filed on 08/08/2005. Claims 2-4, 7-11, 14, 15, and 19-25 are now pending in the present application. Due to "Action Crosses Amendment" the previous Office action is withdraw. This Office action is made non-final.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2-4, 7-11, 14, 15, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila et al. (US 5,794,142) in view of Hansson (U.S. 6,023,620).

Regarding claims 21 and 24, Vanttila (figure 2) discloses an apparatus and method for a network node of a radio communication system having a network part to which the network node is coupled, mobile-station operational parameters available for downloading stored at the network node, said apparatus for facilitating downloading of at least a first mobile-station operational parameter, said apparatus comprising: a network-positioned download parameter initiation signal generator that generates an initiation signal that initiates a request for downloading of the first mobile-station operational parameter (see column 3, lines 9-21; column 7, lines 53-57); a network-positioned data call connector operable responsive to acceptance of the request

initiated by the initiation signal generated by said network-positioned download parameter initiation signal generator, said network-positioned data call connector for establishing a data call connection with the network node, the data call connection, once formed, for downloading the at least the first mobile-station operational parameter, the first mobile-station operational parameter used pursuant to subsequent communications (column 5, lines 13-24; and column 7, lines 53-67). Vanttila et al. do not specifically disclose the data download with the data connection directly between the mobile station and the server. However, Hansson discloses after receiving a response from a mobile station, the server downloading data to the mobile station through a data connection directly between the mobile station and the server (column 3, line 61 – column 4, line 11). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hansson to the data call initiator of Vanttila et al. for directly downloading the revising value from the server to the mobile station without using the SMS as an option for one to select how to downloading the data from the server to the mobile station (as suggested by Hansson, column 4, lines 7-26).

As to claims 22 and 25, Vanttila et al. disclose the apparatus and method further comprising a download-parameter request signal generator to which the initiation signal is delivered, said download-parameter request signal generator for generating a data-message request that forms the request for downloading (see column 3, lines 9-21; column 5, lines 13-24; column 7, lines 53-63; and figure 5).

As to claims 2 and 14, Vanttila et al. disclose that the radio communication system provides for SMS (Short Message Service) message communication, wherein the data message service center comprises an SMS service center, and wherein the download-parameter request signal generator is positioned at the SMS service center (see column 3, lines 56-65).

As to claim 3, Vanttila et al. disclose that the data-message request generated by the download-parameter request signal generator comprises an SMS message for communication to the mobile station center (see column 3, lines 52-57; and figure 2).

As to claims 4 and 15, Vanttila et al. disclose a data message request detector coupled to receive indications of the data message request generated by the download-parameter request signal generator, the data message request detector for detecting the data message request requesting the initiating of the downloading (see column 3, lines 9-21, 52-57).

As to claim 23, Vanttila et al. disclose the apparatus further comprising a data call initiator embodied at the mobile station and operable responsive to detection of acceptance by the mobile station of the data-request message, said data call initiator for initiating a data connection with the network node to download the first mobile-station operational parameter (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claim 7, Vanttila et al. disclose an operational parameter value provider (figure 2, 36a) coupled to the data call connector, the operational parameter value provider for providing the value of the at least the first operational parameter to the

mobile station subsequent to completion of the data call between the node-device and the mobile station (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claim 8, Vanttila et al. and Hansson disclose the apparatus of claim 7 above; in addition, Hansson discloses a data call status reporter operable at least responsive to successful downloading of the value of the at least the first operational parameter provided to the mobile station by the operational parameter value provider to report the successful downloading of the value to the mobile station (see column 3, lines 5-24; column 4, lines 50-54).

As to claims 9 and 19, Hansson discloses that the data call status reporter further determines whether the downloading of the value of the at least the first operational parameter to the mobile station is successful (see column 3, lines 5-24; column 4, lines 50-54).

As to claims 10 and 20, Hansson discloses that the data call connector further terminates the data call connection subsequent to the report made by the data call status reporter (see column 4, lines 50-54).

As to claim 11, Vanttila et al. disclose authenticating the mobile station prior to completion of the data call between the node-device and the mobile station (see column 6, lines 25-32).

### ***Response to Arguments***

3. Applicant's arguments filed 08/08/2005 have been fully considered but they are not persuasive.

Regarding claims 21 and 24, Applicant argues that Hansson fails to disclose the data connection directly between the mobile station and the server. The examiner, however, does not agree with the Applicant. Applicant's attention is directed to Hansson (column 3, line 61 to column 4, line 15) which discloses downloading data to a mobile station (110) through a data connection directly between the server (110) and the mobile station (110).


**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quochien B. Vuong  
Oct. 27, 2005.

  
QUOCHIEN B. VUONG  
PRIMARY EXAMINER